

Environmental

Bailey Glasser lawyers successfully capitalize on commercial opportunities and navigate the challenging environmental regulations encountered in the energy industry on matters throughout the country. Dating back to our founding in 1999, we have taken on the biggest environmental cases, including the Mountaintop Removal mining practices in West Virginia; this client has used our services repeatedly over the subsequent 20 years.

Making a deal with an environmental regulator is no different than making a deal with a business counterparty. It takes equal parts trust, understanding of the goals of all the parties at the table, and creativity to craft the solution. We have cultivated the trust of regulators where our clients operate, and we firmly understand what is necessary to support the mission of both the regulator and the client to achieve advantageous results when it comes to permitting, zoning, siting, and compliance.

Regulatory bodies have turned to Bailey Glasser when their interests are threatened by legal challenges to their regulations, or by bankrupt operators seeking to skirt their obligations. We have a thorough understanding of federal and state environmental laws and regulations and work closely with energy regulatory agencies. Our environmental professionals, including the former Chief of the West Virginia Department of Environmental Protection's Mine Permitting and Enforcement Office, bring not only substantive knowledge, but a unique understanding of how regulatory bodies work.

Additionally, we have unparalleled experience counseling clients in the coal and oil and gas industries in commercial transactions. We have helped craft innovative solutions for businesses including mixing zone permits for discharges, beneficial use agreements for recycling of waste, and programmatic agreements on behalf of regulatory bodies to comply with environmental statutes.

We also bring cases on behalf of plaintiffs seeking to enforce environmental laws and recover damages for citizens harmed by destructive practices, including landowners in the path of three major natural gas pipelines under development in West Virginia and Virginia. With this depth of knowledge, we also routinely manage environmental due diligence processes for clients.

Experience

- Representing country's second-most productive longwall mining operation in complex environmental permitting proceeding seeking 12-mile pipeline and mixing zone as a cost-

effective way to accommodate discharge of chlorides and sulfates

- Avoided preliminary injunction that would have barred the country's largest longwall mine from operating and cost the company millions of dollars in lost revenue by successfully engaging in expedited discovery, briefing, and negotiations
- Represented West Virginia Department of Environmental Protection in multiple billion-dollar energy company bankruptcies and developed strategies to minimize taxpayer liability for reclamation costs
- Serving on the management committee for a consortium of law firms representing a number of Governors, State Attorneys General, and Underground Storage Tank Funds in ongoing investigations, mediations, and litigations against the major oil companies in efforts to recoup improper overpayments obtained by the oil companies; through these efforts return more than \$100 million to the various states
- Representing landowners in multiple proceedings related to groundwater contamination related to contaminants such as sulfates, chlorides, dioxins, and volatile organic compounds
- Representing landowners in Illinois in a multimillion-dollar dispute over injection of coal slurry into underground mine works
- Representing innovative participant in the Carbon Offset markets in the permitting and land rights process necessary to mitigate greenhouse gas emissions
- Represent operators in Illinois facing appeals of permits to conduct mining, water discharge, groundwater use, licensing appeals including matters before the Illinois Department of Natural Resources, Pollution Control Board, and various local zoning agencies
- Managed environmental due diligence process for acquisition of mineral reserves known as the Donkin Project, a large undeveloped coal reserve in the Cape Breton region of Nova Scotia, and the Vista Project, a large undeveloped coal reserve in Alberta, Canada, from multinational corporations
- Served as Special Assistant Attorneys General for West Virginia in the groundbreaking environmental litigation filed in the State from 1999-2003--the Mountaintop Removal, Cumulative Hydrologic Impact Analysis, and Bonding Litigations; almost a decade later, we represented the state against USEPA in these actions:
 - *Mingo Logan Coal Co. v. EPA*, 714 F.3d 608 (D.C. Cir. 2013)
 - *National Mining Association, et al. v. Gina McCarthy, et al.*, 758 F.3d 243 (D.C. Cir. 2014)
 - *WV Highlands Conservancy, Inc., et al. v. Randy C. Huffman*, 651 F. Supp. 2d 512 (S.D. W.Va. 2009)

News & Insights

Energy Litigator Brian Swiger Joins Bailey Glasser
05.31.2019

Bailey Glasser's Nick Johnson to Speak at Energy & Mineral Law Foundation Annual Institute
06.14.2018

\$151 Million Freedom Chemical Spill Settlement Wins Preliminary Approval
09.28.2017

Federal Appeals Court Affirms \$2 Million Accelerated Coal Royalty
05.01.2017

Flood Victims Granted Class Action Status In Lawsuit Against International Paper Co.
03.28.2017

Bailey Glasser Successfully Defends Coal Refuse Disposal Permit
02.16.2017

Will A Gas Pipeline Be Passing Through Your Land?
12.22.2016

West Virginia Regulator Says Alpha Natural Asset Sale May Jeopardize Cleanup
04.22.2016

West Virginia Department of Environmental Protection and Alpha Natural Resources Reach Agreement Related to Self-Bonded Mine Reclamation Obligations
12.08.2015

Federal Mine Safety and Health Review Commission Decision on Pattern of Violations
10.05.2015

Attorney Works to Ensure Freedom Bankruptcy Results in Site Clean-up
07.20.2015

Landowners in the Path of Pipelines Need Legal Assistance
01.27.2015